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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,392	08/12/2003	Kai-Chi Lin	4425-311	5465

7590

03/08/2006

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EXAMINER

MARC, MCDIEUNEL

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/638,392

Applicant(s)

LIN, KAI-CHI

Examiner

McDieunel Marc

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/12/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. Claims 1-17 are presented for examination.
2. The rejection to claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hofmeister *et al.*** (U.S. PG. Pub. No. 20040151562A1) in view of **Steere *et al.*** is **maintained.**

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hofmeister et al.** (U.S. PG. Pub. No. 20040151562A1) in view of **Steere et al.**

As per claims 1, 5 and 9, Hofmeister et al. teaches substrate processing comprising a system and an associated method for operating a robot in an automatic material handling system (AMHS) (see fig. 7 and page 5 col. 2, section [0055]), said method comprising: a first job item of said first port to be processed (see fig. 7, wherein element 18A, being taken as first port); processing a second job item with said robot while said second job item locates in a different section to said first job item but in a same section to said robot and of waiting for being processed to a same section to said first job item (see fig. 7, wherein element 18B); processing said first job item with said robot (see fig. 7 and page 5, section [0053]); and from said first port (see page 5, section [0054]); with respect to claim 5, a computer-readable medium is inherent into figure 7, particularly the controller (see page 11 col. 2, section [0079]); with respect to claim 9, a plurality of ports (see fig. 2, elements 12, 180, fig. 7A, element 660, and section [0055 and 0071-0078]). Hofmeister *et al.* does not specifically indicate a token to a first port; wherein said token pre-sets; and moving said token off.

Steere et al. teaches a feedback-driving which covers the limitation of a token to a first port; said token present (see also fig. 1 ); moving said token off (see page 5, col. First paragraph, wherein cutoff threshold being considered as an off token).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the robot type of Hofmeister *et al.* with the feedback control of Steere et al., because this modification would allow the Hofmeister' s *et al.* robot to have a loop function, thereby improving the connection ring and the efficiency of the R bot.

As per claims 2 and 6, Hofmeister et al. teaches a method, wherein said second job item is a corresponding job item of a second port differing from said first port (see fig. 2, element 12).

As per claims 3, 7 and 16, Hofmeister et al. teaches a method, wherein said second job item is processed by said robot while said first job item exists (see figs. 2, 7, 7A, 22-23 and section [0055]).

As per claims 4, 8 and 17, Hofmeister et al. teaches a method, wherein said second job item includes an empty job item (see section [0010], wherein inherently moving substrate between transfer chamber meet the limitation of an empty job).

As per claims 10 and 11, Hofmeister et al. teaches a system wherein said plurality of ports includes locating in a plurality of floors (see section [0047], wherein floors has been also considered).

As per claims 12-15, Hofmeister et al. in view of Steere et al. teaches a system wherein said port differs from said predetermined port (see Holmester et al. section [0079]), with respect to the limitation of wherein decision implies priority; and with respect to claims 14 and 15, a system wherein said corresponding priority job item is a first received job item (see Steere et al. section 5, second col. third paragraph, particularly priority job).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the robot type of Hofmeister *et al.* with the feedback control of Steere et al., because this modification would allow the Hofmeister' s *et al.* robot to have a priority function, thereby improving the connection ring and the efficiency of the R bot.

#### ***Response to Arguments***

6. As to the reference not teaching "indicating a token to a first port, wherein said token pre-sets a first job item of said first port to the processed" (see Hofmeister's et al. fig. 7, element 18A, being taken as first port, wherein to the right and to the left of element 18A being

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considered as first job/R and second job/L and page 5 col. 2, section [0055]), and elements 18A, 18B are predetermined ports.

As to the reference not teaching “a token cycling predetermined priority port” (see Steere’s et al., Fig. 1, wherein closed-loop control is token cycling and the abstract for priority based scheme and second 2, paragraph one)

As to the token is unique, priority to the token is fixed; and token circles among a plurality of ports (see form page 8, lines 23, to page 9, line 19) has not been claimed.

7. Applicant's arguments filed 12/14/2005 have been fully considered but they are not persuasive.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

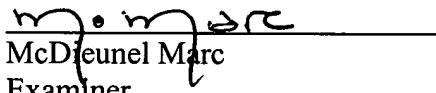
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to McDieunel Marc whose telephone number is (571) 272-6964.

The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
McDieunel Marc  
Examiner  
Art Unit 3661

Friday, March 03, 2006

MM/

  
THOMAS G. BLACK  
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